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By Hand

August 13, 2007

Honorable William H. Pauley
United States District Judge
Southern District of New York
500 Pearl Street
Room 2210
New York, New York 10007

Re: Federal Express Corp. v. Brockington et al.(07 CV 4775)(WHP)

Your Honor:

This Office is counsel for defendants Kumicki Gibson, Margaret Gormley-King, Caroline Downey, sued individually and in their capacities as officials in New York State's Division of Human Rights, and for the New York State Division of Human Rights (collectively, the "State defendants"). This action seeks a declaration that a civil rights matter commenced administratively in the New York State Division of Human Rights by defendant Isaac L. Brockington against plaintiff Federal Express is preempted by the Employee Retirement Income Security Act ("ERISA"), and an injunction against those proceedings.

We write on behalf of the State defendants, who filed a request for a pre-motion conference on August 6, 2007, to seek an order extending the State Defendants' time to respond to the complaint, from the currently scheduled date of August 15, 2007, to September 19, 2007, consistent with the request for a pre-motion conference, my lack of availability in the next two weeks, and the need for additional time to complete the State defendants' research and motion papers. Plaintiff's counsel has consented to this extension to September 19, 2007.

In addition, today plaintiff's counsel responded to the State defendants' August 6, 2007 request for a pre-motion conference, and, by the same letter, plaintiff requested a pre-motion conference for a cross-motion for a temporary restraining order. While we hope that, via agreement, the need for this cross-motion can be obviated, under the Court's individual rules, the State defendants' response to their letter request is due five days from today, on August 20, 2007, with the pre-motion conference to be scheduled thereafter.

Accordingly, this extension is also necessary because I will be on vacation and out of town for the two weeks, beginning August 20, 2007, to return on September 4, 2007, the day after Labor Day. Ian

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Harris, Esq., counsel for plaintiff, has informed me that he will also be on vacation for part of those two weeks. The State defendants therefore also request that the court schedule the requested pre-motion conference for a date after September 3, 2007.

This is the third extension of defendants' time to respond to the complaint in this action, filed June 5, 2007. The first was a 30-day extension obtained before I was assigned to this matter. The second, 21-day, extension was requested from the Court the same week I received the initial client files on this matter, and was sought in order to permit me to review them and assess the record and pertinent legal research to determine the correct response to the complaint in this action. This, third, extension request, is made to permit the parties to complete the Court's prescribed pre-motion conference procedures and to complete the research and drafting of defendants' motion in this complex area of law. As stated above, plaintiff has consented to the State defendants' requested extension of their time to respond to the complaint to September 19, 2007.

Thank you for your assistance with this matter.

Respectfully submitted,

/s/

Elizabeth A. Forman
Assistant Attorney General

Cc: all counsel (by fax)
Mr. Isaac L. Brockington (by mail)